

No. 184.

An Act

Relating to Inspections.

TABLE OF CONTENTS.

I. *Flour, Meal, Bread and Biscuit.*

- SECTION 1. Flour and meal are liable to inspection at Philadelphia, Pittsburg, and in the counties of Allegheny, Westmoreland, Washington, Fayette, Greene, Indiana, Jefferson, Armstrong, Butler, Beaver, Mercer, Crawford, Erie, Warren, Venango.
2. Wheat flour liable to inspection at York, Pottsville and Mount Carbon, in the counties of York and Schuylkill.
3. Flour brought from adjoining States into the counties of Allegheny, Westmoreland, Washington, Greene, Fayette, for sale, is liable to inspection.
4. Wheat flour liable to inspection at city of Lancaster, Columbia and Harrisburg, in the counties of Lancaster and Dauphin.
5. But flour made in any other State may be exported as the manufacture of such State, without inspection.
6. And flour may be transported by land out of the counties of Westmoreland, Washington, Greene, Fayette, without inspection.
7. Flour liable to inspection shall be made merchantable, fine and without mixture.
8. Corn meal liable to inspection shall be made of kiln dried corn, &c.
9. Sour or damaged flour may be exported as such.
10. Wheat flour shall be packed in barrels or half barrels, well made, &c.
11. The size and denominations of the barrels, &c., specified.
12. The quantity of flour to be packed in each barrel, &c., specified.
13. The miller shall brand the barrels with the appropriate number of denominations, under a penalty.

- SECTION 14. Rye flour and corn meal may be packed in such barrels, &c.
15. Rye flour and corn meal may be packed in puncheons or hogshheads, well made, &c.
16. The size of the puncheons, &c., specified.
17. The quantity of flour meal to be packed in puncheons.
18. Flour called middlings, how to be branded.
19. Casks containing rye flour and corn meal shall be tared and marked, &c.
20. Every miller shall have a brand, &c.
21. ————— May brand casks of wheat flour with the word "superfine."
22. ————— May brand casks of rye flour with the word "fine," &c.
23. The branding of "superfine," or "fine," to be deemed a warranty, &c.
24. How flour shall be inspected.
25. The denomination branded, as aforesaid, to be cut out if the flour, &c. be unmerchantable.
26. Casks of merchantable flour to be plugged up with stamped plugs.
27. Forfeiture for packing flour or meal in casks of any dimensions not authorized.
28. Penalty for packing less than the required quantity in any cask.
29. Mixed flour to be condemned, if offered as wheat flour, &c.
30. Penalty for packing flour in casks made of unseasoned timber.
31. Penalty for lading flour, &c. liable to be inspected, &c. previous to inspection.
32. Penalty for offering to transport flour or meal without being branded, &c.
33. Penalty for impressing the word "superfine" or "fine," on casks removed from the mill, &c. and before inspection.
34. Penalty for fraudulently branding or shipping, &c. wheat flour as superfine, or rye flour as fine, knowing it to be inferior, &c.
35. Penalty for fraudulently branding or shipping, &c. unmerchantable corn meal, &c.
36. Inspectors shall upon request or suspicion of unfairness, unpack casks of flour, meal, &c.
37. Penalty for marking false tare, &c.
38. Millers shall cause their brands to be entered with the clerk of the Quarter Sessions of the county, &c. under penalty.
39. Carts, &c. used for conveying flour, &c. to be provided with a good covering.

LAWS OF PENNSYLVANIA,

- SECTION 40. Open boats, &c. used for conveying flour, &c. to be provided with sufficient tarpauling.
41. Persons unloading flour, &c. to cause the same to be put in store or under a shelter.
42. Carriers of flour, &c. suffering it to be damaged for want of due care, subject to a penalty.
43. Masters of vessels shall declare in their manifests the number of barrels of flour, meal, &c. to which inspectors shall have free access, &c.
44. Penalty upon them in case of neglect or refusal, &c.
45. The fees of inspectors of flour.
46. The inspector may demand the fees of the owner, his agent, factor or the person in possession of the flour.
47. The fees of inspector a charge on the article distinct from the price agreed.
48. The same fees demandable whether the article be approved or condemned.

II. *Beef and Pork.*

49. Salted beef and pork designed for ship stores or exportations, &c. liable to inspection at Philadelphia.
50. Proviso exempting imported beef and pork from inspection.
51. Beef and pork shall be packed in tierces, barrels or half barrels, and secured with salt.
52. Casks which shall be used for the purpose, how made.
53. Dimensions of the casks.
54. Quantity of beef or pork in each cask.
55. What pieces of beef may be put in each cask.
56. What pieces of pork may be put in each cask.
57. Extra Mess, Mess, Prime and Cargo beef, the quality and assortment of it.
58. Mess, Prime and Cargo pork, the quality and assortment of it.
59. The branding of the words Extra Mess, Mess, Prime or Cargo, a warranty of the article.
60. The cooper or packer shall brand his name on each cask.
61. The inspector shall brand on casks of merchantable beef or pork the word "Philadelphia."
62. ——— Shall efface the brand marks on casks of unmerchantable beef or pork, and make the mark of a cross ✕

- SECTION 63. Penalty for fraudulently impressing the words "Extra Mess," "Mess," "Prime" or "Cargo" on casks of beef or pork, and for fraudulently shipping as such beef or pork of an inferior quality.
64. Penalty for selling for ship stores or exportation before inspection, &c.

III. *Salted Fish.*

65. Shad and herring in barrels, designed for exportation from Philadelphia, liable to inspection.
66. Salted fish liable to inspection before sale or exportation at Pittsburg and Columbia.
67. Proviso exempting imported fish from inspection.
68. Salted fish liable to inspection, how it shall be packed.
69. The dimensions of the barrels to be used, regulated.
70. The packer of the fish shall brand his name on each cask, &c.
71. Notice must be given to the inspector at Pittsburg and Columbia, of fish brought to the said places within eight days, &c.
72. Inspection of fish how made.
73. Merchantable fish how branded by the inspector.
74. Unmerchantable fish how branded by the inspector.
75. Penalty for exporting, &c. without inspection from Philadelphia.
76. The inspector may inspect and brand fish, upon which the penalty has accrued, after payment of the penalty.
77. Penalty for exporting, &c. from Pittsburg or Columbia.
78. Penalty on the owner of fish fraudulently packed, or packed with improper substances, &c.
79. Salted fish liable to re-inspection, after six months, if not sold, &c.
80. The casks to be filled by the owner, and packed by him, as the inspector shall require.
81. Fees for the inspection of salted fish.
82. — — Of beef and pork.
83. Inspectors may receive customary compensation for coöperage.
84. But the owner may employ any person to do the coöperage.
85. Fees for inspecting unmerchantable provisions, the same as if they had been merchantable.

IV. *Butter and Hogs Lard.*

- SECTION 86. Butter and hogs lard liable to inspection before exportation from any place on the river Delaware.
87. ——— May be put up in kegs, half kegs, tubs or canisters.
88. Dimensions of the kegs, and half kegs, prescribed.
89. Each keg, half keg and tub, shall be tared.
90. Centre bit shall be used for the inspection of butter and lard.
91. How to be branded.
92. The marks and numbers to be used for designating the quality.
93. Kegs, &c. of unmerchantable butter or lard to be marked with a cross.
94. Every fifth canister of butter, &c. only need be examined.
95. Butter or lard not contained in kegs, half kegs, tubs or canisters laden for exportation, to be forfeited for the use of the guardians of the poor, &c.
96. Penalty for exporting butter not contained in kegs, half kegs, tubs or canisters.
97. Penalty for exporting butter or lard not inspected and marked as merchantable.
98. Fees of the inspector.
99. Inspector may receive customary compensation for cooerage.
100. But the owner may employ any person to perform it.
101. By whom the expense of inspection shall be paid.

V. *Pot and Pearl Ashes.*

102. Pot and pearl ashes designed for exportation from the port of Philadelphia, liable to inspection.
103. ——— If imported, exempted from inspection.
104. ——— Shall be put up in tight full bound casks, &c.
105. ——— How inspected and assorted.
106. The inspector shall weigh the casks, tare them, and mark thereon the gross weight.
107. How the casks shall be branded by the inspector.
108. Adulterated ashes shall be marked 'condemned.'
109. Inspector shall deliver the owner a weigh note.
110. Cooerage shall be done to insufficient casks at the expense of the seller.
111. Penalty for exporting ashes not inspected and approved.

- SECTION 112. For selling condemned ashes, except as such.
 113. On masters of vessels, for receiving any cask of such ashes not branded as approved.
 114. On persons for intermixing such ashes with any improper substance.
 115. Fees for inspecting ashes.
 116. To be paid on condemned ashes.

VI. *Tobacco.*

117. Tobacco designed for exportation from the port of Philadelphia, liable to inspection.
 118. Tobacco imported exempted from inspection, if branded.
 119. The inspector shall provide store houses, presses, &c.
 120. The inspector shall strip, sample and press the tobacco, &c.
 121. Penalty for exporting, &c. without inspection.
 122. Fees for inspecting and compensation for storage.

VII. *Domestic Distilled Spirits.*

123. Domestic distilled spirits designed for exportation from the port of Philadelphia, liable to inspection at Philadelphia, such spirits may be inspected :
 At the city of Lancaster, Columbia and Washington, in the county of Lancaster ;
 At Wrightsville, in the county of York ;
 At Norristown, in the county of Montgomery.
 124. Every inspector of spirits is a guager, and shall guage and mark all casks so submitted to him for inspection.
 125. Spirits liable to inspection, how put up.
 126. Casks used for the purpose, how made.
 127. Inspectors shall procure a scale, calipers, hydrometer, &c.
 128. The standard of proofs established.
 129. The proofs how marked.
 130. The price fixed which the purchaser may demand for such casks.
 131. Penalty for exporting spirits from Philadelphia before inspection, &c.
 132. All liquors sold by inspection in Philadelphia, to be inspected, &c. by the inspectors.
 133. Penalty upon the holders of inspected liquors, which shall on re-inspection be found to be under the proof marked.
 134. Inspectors of spirits for Philadelphia, shall guage casks containing cider.

- SECTION 135. Penalty on inspectors for gauging and marking erroneously.
136. If any such inspector misbehave in office, his bond shall be put in suit.
137. Fees of the inspectors of domestic distilled spirits, by whom they shall be paid.
138. ——— By whom paid in cases of re-inspection.
139. Penalty on inspector or deputy for private gauging or re-gauging, &c.
140. Penalty on inspector or deputy for being in any way concerned in business with any distiller, &c.

VIII. *Black Oak Bark.*

141. Black oak bark designed for exportation from Philadelphia, liable to inspection.
142. ——— How it must be prepared.
143. ——— How it must be packed.
144. The manufacturer shall brand his name on the casks under penalty.
145. Black oak bark shall be deposited by the owner for inspection at such convenient place as the inspector shall direct.
146. Inspector shall give the person depositing it a receipt.
147. Black oak bark, how assorted into qualities and denominated.
148. ——— How it shall be inspected.
149. ——— How it shall be branded if merchantable.
150. ——— When it shall be condemned and how branded in such case.
151. Inspector shall weigh the bark and give the owner an invoice of it.
152. Penalty for exporting &c., before inspection.
153. ——— For returning too light a tare.
154. Proviso exempting unground bark and patented preparation of bark from inspection.
155. Fees for inspecting and compensation for storage.
156. Boards, plank, timber and shingles designed for exportation from Philadelphia, liable to inspection.
157. Board, plank, timber, for exportation, shall be sound, &c.
158. Penalty for shipping boards, plank or timber not inspected.
159. Fees for inspection of boards, plank and other timber by whom paid.

- SECTION 160. Commissioners of the counties of Cumberland, Dauphin, Lancaster and York, to appoint and commission a sufficient number of inspectors.
161. Boards and plank reduced to, and counted as inch measure, three qualities.

IX. *Flaxseed.*

162. Flaxseed designed for exportation &c., shall be well cleaned and put up in casks, &c.
163. The casks to be used, how to be made.
164. The sizes of the casks specified.
165. Each cask of seed to be branded with the name of the person who cleansed it.
166. Penalty for exporting, &c., in casks of different form or containing less quantity or quality.
167. For exporting casks not duly branded.

X. *General Provisions.*

168. The inspectors aforesaid shall be appointed by the Governor.
169. Two inspectors of domestic distilled spirits to be appointed for Philadelphia, their powers.
170. The inspectors empowered to appoint deputies, powers of the deputies.
171. Inspectors of domestic distilled spirits for Philadelphia, to appoint deputies jointly, and the principal inspector of flour shall appoint deputies, division of inspection districts, &c.
172. The oath of the inspectors, where to be filed.
173. The bonds of the inspectors, how taken and the condition of it.
174. The bonds to be acknowledged and recorded in the office of the recorder, &c., of the county.
175. Copies of these bonds certified, &c., made evidence.
176. The inspectors are required to procure at their own cost, such brands, instruments, &c., as may be necessary.
177. Inspectors shall proceed upon being required, to inspect, unless actually engaged, under a penalty.
178. The owner, &c., of the article inspected may have the judgment of the inspector reversed by triers.
179. Magistrates shall issue upon applications, warrants to triers, &c.
180. How the triers shall be appointed.

LAWS OF PENNSYLVANIA,

- SECTION 181. Magistrates shall nominate a trier for the inspection, if the inspector refuses.
182. The triers shall report to the magistrate, &c.
183. If the triers adjudge the article merchantable, the costs of review and penalty shall be paid by the inspector.
184. The finding of the triers conclusive.
185. Appeals not allowed after twenty days.
186. Inspectors shall keep true accounts in books of the articles inspected by them, open to examination.
187. Penalty for neglecting to keep accounts, &c.
188. Penalty for making fraudulent entry.
189. Deputy inspectors to report to their principals resident within the same county, within twenty four hours after inspecting any article.
190. Inspectors shall report annually in the month of January, to the Auditor General, an account of the articles inspected during the year preceding, &c.
191. Inspectors and their deputies not to trade in articles which they are appointed to inspect, under penalty of removal and disability.
192. Proviso to the last section, exceptions.
193. Penalty for acting as an inspector without authority.
194. The powers and authorities of inspectors to enter craft, enclosures, &c.
195. Inspectors shall take possession of forfeited articles, &c.
196. ——— Shall sell the forfeited articles at auction unless it be otherwise provided and pay proceeds, &c.
197. Persons obstructing inspectors in the execution of their office, guilty of a misdemeanor.
198. ——— Counterfeiting the marks of inspectors, &c., guilty of a misdemeanor.
199. Penalty upon persons packing articles in casks bearing the inspection marks with intention to defraud, &c.
200. Persons counterfeiting the mark of a miller, manufacturer, &c., guilty of a misdemeanor.
201. Penalty on inspectors for demanding illegal fees.
202. Fines and pecuniary penalties incurred under this act, how recovered.
203. Town councils of the boroughs of Allegheny, and the Northern Liberties of Pittsburg, Allegheny county, authorized to elect, for each of said boroughs, an inspector of salt.
204. Inspectors to give bond, annual report, &c.

An Act

Relating to inspections.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That all flour of wheat, flour of rye, and meal made of Indian corn, shall, if designed for exportation from either of the places mentioned in this section, be liable to be inspected at the respective place as follows, to wit: 1. At the city and county of Philadelphia, by the inspector of flour appointed for the said city and county. 2. At the city of Pittsburg and in the counties of Allegheny, Westmoreland, Washington, Fayette, Greene, Indiana, Jefferson, Armstrong, Butler, Beaver, Mercer, Crawford, Erie, Warren, Venango, by the inspector of flour appointed for the said city and counties.

SECTION 2. Flour of wheat which shall be offered for sale in the borough of York, in the county of York, and in the borough of Pottsville and Mount Carbon, in the county of Schuylkill, shall upon the request of the purchaser thereof, be liable to be inspected by the inspector of flour appointed for the said boroughs.

SECTION 3. All flour which shall be brought from any of the adjoining States, into either of the counties of Allegheny, Westmoreland, Washington, Greene, Fayette, for the purpose of being offered for sale within the said counties, shall be liable to the like inspection and regulation as flour manufactured within the said counties.

SECTION 4. Flour of wheat which shall be offered for sale at the city of Lancaster, or at the borough of Columbia, in the county of Lancaster, or at the borough of Harrisburg, in the county of Dauphin, shall upon the request of the purchaser thereof, be liable to be inspected by the inspectors of flour appointed for said city and boroughs respectively.

SECTION 5. *Provided,* That flour and meal manufactured in any other State, and put up in casks which shall bear the brand or the name of such State, may be exported from this Commonwealth, as the manufacture of the State from which it shall come, and not as the flour or meal of Pennsylvania, without being liable to inspection as aforesaid.

SECTION 6. *And provided also,* That such flour or meal as shall be manufactured within the counties of Westmoreland, Washington, Greene and Fayette, and transported by land, out of this Commonwealth, shall not be liable to inspection as aforesaid.

SECTION 7. All flour liable to inspection as aforesaid, shall be made merchantable and of due fineness, without any mixture of coarser or of different kinds of flour.

SECTION 8. All corn meal liable to inspection as aforesaid, shall be made of kiln dried corn. It shall be ground to a due degree of fineness, and be bolted and cooled before being packed.

SECTION 9. *Provided*, That nothing herein contained shall be construed to prevent the exportation of sour or damaged flour as such, if it be so marked distinctly upon the casks containing the same by the inspector or deputy.

SECTION 10. Flour of wheat liable to inspection as aforesaid, shall be packed in barrels or half barrels, well made of good seasoned materials, and tightened with ten hoops, sufficiently nailed with four nails in each chine hoop, and three nails in each upper bilge hoop.

SECTION 11. The barrels which shall be used for the purpose aforesaid, shall be of the diameter of sixteen inches and a half at the head, and shall be marked "Number one;" and every such barrel shall be made of staves, twenty-seven inches in length; every half barrel which shall be used for the purpose aforesaid, shall be of the diameter of twelve inches and a half at the head, and shall be made of staves twenty-three inches in length, and shall be denominated "Number two."

SECTION 12. Every barrel "Number one" of wheat flour, shall contain the full quantity or weight of one hundred ninety-six pounds of such flour. Every half barrel of wheat flour shall contain the full quantity or weight of ninety-eight pounds of such flour.

SECTION 13. Every miller or bolter shall brand every barrel and half barrel of flour, put up by him, with the number *one* or *two*, according to the dimensions thereof as aforesaid, before the same shall be removed from the place where the same was bolted, under the penalty of twenty cents for every barrel or half barrel removed without being so branded. He shall also, under the like penalty, brand as aforesaid every barrel and half barrel of flour with the weight of the flour therein contained.

SECTION 14. Flour of rye, and meal made of Indian corn, liable to inspection as aforesaid, may be packed in barrels or half barrels, made in the manner hereinbefore described.

SECTION 15. Flour of rye, and meal made of Indian corn, liable to inspection as aforesaid, may also be packed in strong tight puncheons or hogsheads, suitable for molasses casks, well made of good seasoned white oak or red oak staves, with pine or other suitable heads tightened, and bound with sixteen good and sufficient hoops, two of which at least, namely the second from each chine shall be of iron; they shall be well secured with at least four nails in each chine hoop, and three wooden plugs or pegs at the upper edge of each upper bilge hoop.

SECTION 16. Every puncheon or hogshead which shall be used for the purpose aforesaid, shall be of the following dimensions, to wit: The diameter at the head shall be twenty-seven inches; the diameter at the bung or bilge shall be thirty-one

inches; and every such cask shall be made of staves forty-one inches in length.

SECTION 17. Every puncheon or hogshead of rye flour or of corn meal, designed for exportation as aforesaid, shall contain the full quantity or weight of eight hundred pounds net of such flour or meal.

SECTION 18. Every cask of wheat flour of the kind called middlings, liable to inspection as aforesaid, shall be branded with the word "Middlings" at length, before it shall be removed from the mill or bolting house where the same shall have been first packed; and in default thereof the owner shall be liable to a penalty of ten cents, to be paid the inspector or deputy.

SECTION 19. Every cask containing flour of rye or corn meal as aforesaid, shall have the tare or weight of the cask marked thereon; it shall be branded with the words "Rye flour" or "Kiln-dried corn meal," at length, in a fair, distinguishable manner, according to its contents, and also with the weight of the flour or meal contained therein, before it shall be removed from the place where the same shall have been first packed; and every puncheon or hogshead of such flour or meal shall also be branded with the number "1800;" and if any miller or bolter shall fail to brand or mark any cask as aforesaid, he shall be liable to a penalty of ten cents for every such cask, to the inspector or deputy.

SECTION 20. Every miller or bolter of flour for exportation shall have a distinguishable brand mark, with which he shall brand each and every cask of flour before it shall be removed from the place where the same shall be bolted, under the penalty of ten cents for every cask, to the inspector or deputy, which shall be removed without being so branded.

SECTION 21. Every miller or bolter of flour may, if he think proper, brand with the word "Superfine" such casks of wheat flour as may in his opinion contain flour of that quality, before removing them from the place where the same shall have been packed, subject nevertheless to correction and alteration by the officer appointed to inspect the same, if he shall adjudge the flour to be of an inferior quality.

SECTION 22. Every miller or bolter may if he think proper brand with the words "Fine Rye Flour," such casks of rye flour as in his opinion may contain flour of that quality before removing them from the place where the same shall have been packed, subject nevertheless to correction and alteration by the officer appointed to inspect the same, if he shall adjudge the flour to be of an inferior quality.

SECTION 23. The branding of the word "Superfine" or "Fine" as aforesaid, shall be deemed a warranty by such miller or bolter that the flour so denominated is of due fineness; and good and merchantable according to the standard of the inspection of flour required by this act.

SECTION 24. The inspectors of flour shall in performing the duties of their respective office, view, and if suspected to be of wrong dimensions, measure every cask containing the flour or meal submitted to their inspection; they shall bore the head of each cask, and with a proper instrument, pierce through the flour or meal and examine the same; if it shall appear to be honestly and well packed, and of sufficient fineness, and in all other respects to be of the proper quality to pass as merchantable flour or meal, according to its denomination, the inspector shall plug up the hole with a plug, stumped with the appropriate stamp, in the manner hereinafter provided, and the said inspection shall be made in the open air, if the same be deemed expedient.

SECTION 25. If the inspectors aforesaid, shall adjudge such flour or meal to be inferior to the standard of the merchantable quality of flour or meal indicated by the denomination "Superfine," "Fine" or "Middlings," or to the standard of the merchantable quality of wheat flour, rye flour or kiln dried corn meal, required by this act, they are hereby required to cut out and totally destroy the brand, mark or denomination branded thereon, as aforesaid, and mark on the same such word as will designate the true quality of such flour.

SECTION 26. The inspectors aforesaid, shall if they approve of the flour submitted to their examination as merchantable, stamp the casks and plugs used by them as aforesaid, with the letters following, according to the place of inspection, to wit: At the city and county of Philadelphia, with the letters S. P., the quality of the flour, Philadelphia, month and the name of the inspector or deputy who inspected the same: at the city of Pittsburg, or in the counties Westmoreland, Washington, Allegheny, Fayette, Greene, Indiana, Jefferson, Armstrong, Butler, Beaver, Mercer, Crawford, Erie, Warren, Venango, with the letters W. P.; at the borough of York and in the county of York, with the letters B. Y.; at the city of Lancaster, with the letters C. L.; at the borough of Columbia, in the county of Lancaster, with the letters B. C.; at the borough of Harrisburg, in the county of Dauphin, with the letters B. H.; and at the borough of Pottsville, in the county of Schuylkill, with the letters B. P.

SECTION 27. If any miller or bolter of flour for exportation, as aforesaid, shall pack flour or meal in a cask of any size or dimensions not hereinbefore specified, he shall forfeit to the purchaser the cask in which such flour or meal shall have been packed, or the value thereof in his account, and the person who shall have sold the same for exportation shall forfeit and pay to the inspector of such flour or meal twenty cents for every such cask; and if any miller or bolter of flour shall pack any flour or meal in a cask not hooped and nailed as aforesaid, he shall forfeit and pay to the purchaser thereof twenty cents for every such cask.

SECTION 28. If any miller or bolter of flour shall pack any cask of either of the dimensions aforesaid, with a less quantity of flour than is specified for the same, he shall forfeit for every pound wanting in weight ten cents, to be paid to the inspector or to the deputy who may find the same deficient in weight.

SECTION 29. All flour which shall be offered for sale within this Commonwealth, as and for flour of wheat, or as and for flour of rye, and which upon inspection, as aforesaid, shall be found to be a mixture of such flour with meal of Indian corn, shall be condemned; and the person offering the same for sale, as aforesaid, shall pay to the inspector three dollars for every such cask, one-fourth for the use of the said inspector and three-fourths for the use of the Commonwealth, and the flour so condemned shall not be exported under the penalties and forfeitures provided by law against the exportation of flour not merchantable.

SECTION 30. Every person offering any flour or meal for sale in casks made of unseasoned materials, shall pay to the inspector of such flour or meal twenty-five cents for branding the same for each and every such cask, and the owner of such flour shall have an action for the damages which may be sustained thereby against the miller or cooper who furnished such casks, and such flour shall not be exported under the penalty of one dollar per barrel.

SECTION 31. No person shall lade or ship for transportation out of this State, any flour or meal liable to be inspected previously to exportation, as aforesaid, before he shall offer the same to the view and examination of the inspector of flour of the port or place where the same shall be laden or intended to be laden, or before the same shall be inspected and approved according to law, under the penalty of seventy-five cents for every cask, one half to the use of the person who shall give information thereof to the inspector or any of his deputies, and the other half to the use of the said inspector or his deputy.

SECTION 32. If any person shall offer to transport any such flour or meal out of this State without being proved or branded in the manner required by this act, the same shall be forfeited, the same shall be sold by the inspector and the proceeds thereof paid into the treasury of the Commonwealth.

SECTION 33. If any person shall impress or brand the word "Superfine" upon any cask of wheat-flour, or the word "Fine" upon any cask of rye flour, after the same shall have been taken away from the place where the same shall have been packed, and before it shall have been inspected and allowed as such by the proper officer, such person shall be liable to the like penalties and punishments as are provided for the case of counterfeiting or impressing counterfeit brand marks upon articles liable to inspection.

SECTION 34. If any person shall fraudulently impress or cause to be impressed the brand mark "Superfine" or the

similitude thereof upon any cask of wheat flour, or the brand mark "Fine" or the similitude thereof, upon any cask of rye flour, after the same shall have been inspected as aforesaid, or shall fraudulently ship or attempt to ship, or lade or attempt to lade on board of any vessel, boat or other water craft for exportation any wheat flour, the cask whereof shall bear the mark or brand of "Superfine," or any cask of rye flour, the cask whereof shall bear the mark or brand of "Fine," knowing such flour to be of an inferior quality or with design to deceive or to evade the regulation hereby intended, such person shall forfeit and pay two hundred dollars for every such offence, which fine shall be recovered by the Attorney General for the use of the Commonwealth, and every cask of such flour shall be liable to be seized and forfeited, one half for the use of the Commonwealth and the other half for the use of the person who shall prosecute the offender to conviction.

SECTION 35. If any person shall fraudulently impress or cause to be impressed the brand mark "Kiln dried corn meal," or the similitude thereof, upon any cask of corn meal after the same shall have been inspected as aforesaid, or shall fraudulently ship or attempt to ship, lade or attempt to lade on board of any vessel, boat or other water craft, for exportation any corn meal, the cask whereof shall bear the mark or brand aforesaid, knowing such meal to be inferior to the standard of the merchantable quality or with design to deceive or evade the regulation hereby intended, such persons shall be liable to the like forfeitures to be recovered in like manner and for the same use.

SECTION 36. The inspector aforesaid shall at the request of the buyer of any casks of flour or corn meal, or upon his suspicion of fraud or unfairness, unpack the same for examination; and if he shall find a less quantity of flour or meal in such cask than is hereinbefore directed, or if such cask containing flour, meal shall be found to weigh more than the tare marked thereon or the miller or bolter, as the case may be, who put up the same shall pay the charges of unpacking or repacking over and above the penalties provided in this act for such case; but otherwise the said charges shall be paid by the buyer if the trial be made at his request.

SECTION 37. If any person shall put a false or a wrong tare upon any cask containing flour or meal to the disadvantage of the purchaser, such person shall forfeit for each cask so falsely tared the sum of seventy-five cents.

SECTION 38. Every miller and bolter of flour for exportation, shall cause his brand mark as aforesaid to be entered with the clerk of the court of Quarter Sessions of the county where he resides, together with his name and place of residence, under penalty of five dollars for every month during which he shall have exercised his said employment without having made such entry.

SECTION 39. Every cart, wain and wagon, which shall be used to convey flour, corn or meal, designed for exportation from the mill where the same shall have been put up to the place of exportation, or to any other place, shall be provided with a good and sufficient covering.

SECTION 40. Every open boat, float or shallop which shall be used to convey any flour, corn or meal from the mill as aforesaid, or from any landing place to the place of exportation, or to any other place, shall be provided with a covering, or tarpauling, sufficient to secure the same in case of rain.

SECTION 41. Every person who shall unload or discharge any flour, corn or meal designed for exportation at any landing place or other place, shall cause the same forthwith to be put in a store or under a shelter sufficient to keep it dry.

SECTION 42. If the carrier of any flour, corn or meal designed for exportation, shall cause or suffer the same to be wet or to take damage for want of due care, or for want of sufficient shelter or covering as before required, such carrier shall forfeit and pay to the owner thereof twenty-five cents for every cask of flour, corn meal, bread and biscuit, over and above the damage actually sustained.

SECTION 43. The masters of ships or other vessels having laden any flour, corn or meal for exportation from this State, shall in their manifest expressly and distinctly declare the number of the barrels or casks thereof laden respectively, and by whom each parcel thereof shall have been shipped, and the proper inspector shall have free access to such manifests or declarations and liberty to take abstracts therefrom.

SECTION 44. If the master of any vessel having shipped any flour, corn or meal shall neglect or refuse to make such declaration, or shall refuse the said inspector access thereto, or the liberty to take an abstract thereof, as aforesaid, he shall forfeit and pay to the said inspector the amount of his fees for inspecting the whole cargo of flour which shall have been shipped as aforesaid.

SECTION 45. The inspector of flour for the city and county of Philadelphia, may demand and receive for each barrel of flour or meal inspected by him, one cent; for each hogshead of corn meal or rye meal inspected by him, two cents; for weighing and ascertaining the under tare of every hogshead or puncheon, thirty cents; for every barrel, half barrel or keg, six cents. The inspectors of flour for the city of Lancaster, for the borough of Columbia, in the county of Lancaster, for the borough of Harrisburg, for the borough of Pottsville, and for the borough of York, may demand and receive for each cask of flour inspected by them respectively, three cents. The inspector of flour for the city of Pittsburg and the counties of Allegheny, Westmoreland, Washington, Fayette, Greene, Indiana, Jefferson, Armstrong, Butler, Beaver, Mercer, Crawford, Erie, Warren and Venango, or his deputies, may demand and receive for

each cask of flour or meal which he or they shall actually examine at any harbor, mill or landing place within the said counties, three cents.

SECTION 46. The inspectors of flour aforesaid, are hereby authorized to demand and receive payment of the fees of inspection from the owner of the flour, meal, his agent or factor, or other person in possession of the said flour or meal at the time of inspection; and the said owner, agent, factor or other person in possession of the said flour meal shall pay to the said inspector the full amount of the fees due and owing for the said inspection.

SECTION 47. The owner, his agent or factor, or the person so paying the fees of inspection, is hereby authorized to demand and receive the said fees from the persons purchasing from the owner, his agent or factor, or other person in possession of the flour meal so inspected; and the said fees of inspection so paid shall be a charge on the sale of the said flour meal by the owner, his agents or factors or other persons in possession after its inspection, distinct and separate from the price agreed on for the said flour.

SECTION 48. The owner or possessor of any meal or flour which shall be adjudged to be unmerchantable or not to be in the condition required by law for sale or exportation, as aforesaid, shall pay for the inspection thereof the same fees as if the same had been adjudged to be merchantable and fit for sale or exportation.

H. *Beef and Pork.*

SECTION 49. Salted beef and pork shall, if designed for ship stores or exportation from the port of Philadelphia, be liable to be inspected by the inspector of salted provisions appointed for the said port.

SECTION 50. *Provided,* That salted beef and pork as aforesaid, which shall be imported or brought from any other State or country, and which shall bear the brand of the name of such State or country upon the casks containing the same, may be sold or exported as aforesaid, as the product of the State or country from which it shall come, and not as the beef or pork of Pennsylvania, without being liable to inspection as aforesaid.

SECTION 51. Salted beef and pork liable to inspection as aforesaid, shall be sound and otherwise merchantable; it shall be well packed in tierces, barrels, or half barrels, and be sufficiently secured with salt and pickel.

SECTION 52. Every tierce, barrel and half barrel, which shall be used for the purpose aforesaid, shall be made of sound and well seasoned white oak timber; it shall be hooped with at least fourteen good and substantial hoops, and secured at each upper bilge hoop by wooden pins or pegs, and at each head or chine hoop with at least three iron nails.

SECTION 53. The dimensions of the casks to be used as aforesaid, shall be as follows: Every tierce shall be of the guage of forty-two gallons, wine measure; every barrel which shall be used for the packing of pork, shall be of the guage of twenty-nine gallons, wine measure; every barrel which shall be used for the packing of beef, shall be of the guage of twenty-eight gallons, wine measure; every half barrel which shall be used for the packing of pork or beef, shall be of the guage of fifteen gallons, wine measure.

SECTION 54. The quantity of beef or pork which shall be packed in every cask used as aforesaid, shall be used as follows: In every tierce so used shall be packed the full quantity or weight of three hundred pounds; in every barrel so used, the full quantity or weight of two hundred pounds; in every half barrel so used, the full quantity or weight of one hundred pounds.

SECTION 55. It shall not be lawful for the person packing or putting up any beef for ship stores or exportation as aforesaid, to put or pack in any tierce of beef more than three legs or shins of beef, or in any barrel of beef more than two legs or shins of beef, or in any half barrel of beef more than one leg or shin of beef.

SECTION 56. It shall not be lawful for the person packing or putting up any pork for ship stores or for exportation as aforesaid, to put or pack in any tierce of pork more than three heads of pork, or in any barrel of pork more than one head of pork.

SECTION 57. It shall also be lawful for any person to put up or pack beef for ship stores or exportation as aforesaid, under the denomination of "Extra Mess," "Mess," "Prime," or "Cargo" beef if the same shall be of the quality and assorted in manner herein specified, to wit: 1. Extra mess beef shall consist of the best pieces of oxen or steers, well fatted and weighing at least six hundred pounds, exclusively of the hide and tallow. 2. Mess beef shall consist of good pieces of large and well fatted cattle, weighing not less than four hundred pounds, without hocks, shanks or any of the neck. 3. Prime beef shall consist of good pieces of well fatted cattle, without hocks or more than two shanks and one half of a neck to a barrel. 4. Cargo beef shall consist of a proportion of good pieces of fatted cattle, without hocks or more than three shanks and one half of one neck to a barrel.

SECTION 58. It shall also be lawful for any person to put up or pack pork for ship stores or exportation, under the denomination of "Mess," "Prime" or "Cargo" pork; if the same shall be of the quality and assorted in the manner herein specified, to wit: 1. Mess pork shall consist of the sides or rib pieces of well fatted hogs exclusively of other pieces. 2. Prime pork shall consist of a proportion of side pieces, neck and tail pieces, and each barrel of such pork may contain twenty-four pounds of head properly dressed and prepared, but not any greater quan...

tity of head. 3. Cargo pork shall be good and merchantable and shall not contain more than thirty pounds of head prepared as aforesaid, nor more than four shoulders to a barrel. 4. The side pieces aforesaid shall be cut from the back bone to the belly, and each piece shall be about five inches wide and shall weigh not less than four pounds.

SECTION 59. The branding of the words "Extra mess," or the word "Mess," "Prime" or "Cargo," as aforesaid, by the owner or persons putting up any beef or pork shall be deemed a warranty by him that the article so denominated is good and merchantable and assorted according to the requirements of this act.

SECTION 60. The cooper, packer or other person putting up any beef or pork liable to inspection as aforesaid, shall distinctly brand upon one of the heads of the cask containing the same, the initial letter of his christian name and his surname at full length.

SECTION 61. The inspector aforesaid shall brand upon every cask of beef or pork which he shall find to be merchantable as aforesaid, in a plain, legible manner his name, the month and the word "Philadelphia" at full length.

SECTION 62. If the inspector aforesaid shall find upon the examination of any tierce, barrel or half barrel of beef or pork, that the same is not merchantable as aforesaid, he shall erase, effectually deface therefrom the brand marks of the cooper, packer or person putting up the same, and if the same cannot be made merchantable as aforesaid, by salting, pickling, re-packing and cooping he shall impress distinctly upon one of the heads of such cask, the mark of a cross, (thus ✕) each stroke of which shall be at least three inches in length.

SECTION 63. If any person shall fraudulently impress or brand the words "Extra mess" or the word "Mess," "Prime" or "Cargo," upon any cask of beef or pork after the same shall have been inspected as aforesaid, or shall fraudulently ship or attempt to ship, lade or attempt to lade on board of any vessel for exportation from the port aforesaid, any cask of beef or pork which shall bear the mark or brand of "Extra mess," "Mess," "Prime" or "Cargo," knowing such beef or pork to be inferior to the quality so denominated, or with design to deceive or evade the regulation hereby intended, such person shall forfeit and pay for the use of the Commonwealth, two hundred dollars for every such offence, and such beef or pork shall be liable to seizure and forfeiture.

SECTION 64. If any person shall sell and deliver for ship stores or shall export or lade for exportation at or from the port of Philadelphia, any salted beef or pork liable to inspection as aforesaid, before the same shall have been inspected and approved according to law, such person shall forfeit and pay for every cask so sold and delivered, exported or laden for exportation, one dollar and fifty cents.

III. *Salted Fish.*

SECTION 65. Shad and herring put up in barrels or half barrels shall, if designed for exportation from the port of Philadelphia, be liable to be inspected by the inspector of salted provisions appointed for the said port.

SECTION 66. Salted fish put up in barrels or half barrels shall, before sale or exportation, be liable to be inspected at the city of Pittsburg and at the borough of Columbia, in the county of Lancaster, by the inspectors of salted fish appointed for the said city or borough respectively.

SECTION 67. *Provided*, That salted shad or herring put up as aforesaid, which shall have been imported or brought from any other State or country, and which shall bear the brand of the name of such State or country, may be exported from this State with the same name branded thereon, and not as the shad or herring of Pennsylvania, without being liable to inspection as aforesaid.

SECTION 68. Salted fish liable to inspection as aforesaid, shall be well packed and secured with a proper quantity of dry salt, in casks, made tight and sufficient to contain salt and pickle, hooped with at least twelve good and substantial hoops, and secured at each upper bilge hoop with three nails or pins, and at each head or chine hoop with at least three nails.

SECTION 69. Every barrel which shall be used for the purpose aforesaid, shall be of the following dimensions, to wit: The length of the stave when in the barrel, shall be twenty-seven inches and a half; the diameter at the head of the barrel shall be seventeen inches and a half, and the diameter at the bilge shall be twenty inches; it shall be of the guage of twenty-eight gallons, wine measure; every half barrel which shall be used for the purpose aforesaid, shall be of the guage of fourteen gallons, wine measure.

SECTION 70. Every barrel and half barrel of salted fish, liable to inspection as aforesaid, shall be branded with the initial letter of the christian name, and the surname at full length, of the person or persons putting up the same or the person selling the same, under penalty of seventy-five cents for every such cask.

SECTION 71. Every person who shall bring any barrel or half barrel of any such fish to the said city of Pittsburg, or to the said borough of Columbia, shall, within eight days thereafter, deliver to the proper inspector or his deputy, a written report of the number of casks thereof, and the place where the same shall have been deposited, under the penalty of one dollar for each and every such cask.

SECTION 72. Every cask containing salted fish, liable to inspection as aforesaid, shall be inspected by opening and, if necessary, by unpacking and repacking the same, so that the inspector may judge of the soundness and true package of the fish, as well as of the contents of the cask.

SECTION 73. The inspector aforesaid shall brand, in a plain and legible manner, with the words "Philadelphia," "Pittsburg" or "Columbia," according to the place of inspection, and also with the name of the kind of fish inspected, every cask thereof which upon inspection he shall find to be sound and merchantable, and secured in the manner aforesaid. He shall also brand thereon the initial letter of his christian name and his surname at full length, and either "Number one" or "Number two," according to the quality of the fish; that is to say, fish of the best quality he shall brand or mark number one, and fish of inferior quality number two.

SECTION 74. If the inspector shall upon examination find any barrel or half barrel containing salted fish, not to be of the proper description, or if he shall find the fish not to be merchantable as aforesaid, he shall erase and effectually deface therefrom the brand marks; and if the same cannot be made merchantable as aforesaid, by salting, pickling, repacking and coopering, it shall be the duty of the inspector to impress distinctly upon such barrel or half barrel a mark of condemnation, in the manner following: 1. If such fish shall be inspected at Philadelphia, the inspector shall impress upon one of the heads of such cask the mark of a cross, (thus, X,) each stroke of which cross shall be at least two inches and a half in length; 2. If such fish shall be inspected at the city of Pittsburg, or the borough of Columbia aforesaid, the inspector shall cause the casks to be marked on the bilge with a broad arrow, (thus, †,) or if required secure them for future examination, which examination the owner or person selling the same, shall procure to be made within four days.

SECTION 75. If any person shall export or lade for exportation from the port of Philadelphia, or shall sell and deliver for exportation from the said port, any shad or herring before the same shall have been inspected and approved and branded and marked according to law, such person shall forfeit and pay for every cask thereof so exported or laden or sold and delivered, one dollar and thirty-three cents.

SECTION 76. *Provided,* That if any such fish shall be laden for exportation or shall be sold and delivered, as aforesaid, without being so branded, the inspector may, after the penalty for such neglect shall have been paid, brand the same with his own name, and he may demand and receive therefor, from the person so lading or selling and delivering the same, the sum of six cents for every such cask.

SECTION 77. And if any person shall export or lade on board of any boat, raft or other water craft for exportation from the city of Pittsburg or from the borough of Columbia, aforesaid, or shall sell or purchase in the said city or borough any salted fish put up in barrels or half barrels before the same shall have been inspected and approved and branded and marked according to

law, such persons shall forfeit and for every cask so laden ten dollars, and for every cask so sold or purchased five dollars.

SECTION 78. If any salted fish liable to inspection as aforesaid, shall be found upon the examination thereof by the inspector, to be fraudulently packed either by the use of improper or unfit substance, or by the intermixture or use of fish of different qualities, the owner thereof or his agent shall forfeit and pay for each and every such cask the sum of five dollars.

SECTION 79. Salted fish liable to inspection, as aforesaid, shall if they have remained on hand unsold or not exported during six months after the inspecting and branding thereof, as aforesaid, be again examined by the inspector, and if found to be unsound shall be subject to the regulations provided for the case of salted fish which have not been inspected.

SECTION 80. Every cask of salted fish liable to inspection shall be filled up by the owner thereof or by persons employed by him for that purpose, and be packed or repacked by him or them as the case may be, and in all respects completed in such manner as the inspector shall require or direct, under penalty of one dollar for each and every cask.

SECTION 81. The inspector of salted provisions for the port of Philadelphia, and the inspectors of salted fish for the city of Pittsburg, and the borough of Columbia, may demand and receive: 1. For inspecting, examining and branding each barrel and half barrel of salted fish, eight cents. 2. For branding each barrel and half barrel of salted herring with the words, "For bounty," and with his own name, two cents. 3. For searching, packing or repacking, heading and branding a barrel of salted fish, thirteen cents.

SECTION 82. The inspector of salted provisions for the port of Philadelphia, may demand and receive: 1. For inspecting, examining and branding each tierce, barrel and half barrel of salted beef or pork, eight cents. 2. For searching, packing or repacking, heading and branding a tierce of salted beef or pork, twenty cents. 3. For searching, packing or repacking, heading and branding a barrel or half barrel of beef or pork, thirteen cents.

SECTION 83. The inspectors aforesaid, may also demand and receive such other and further allowance and compensation as shall be reasonable and customary to allow for the expense and trouble of cooperage in putting each cask of salted provisions into good and merchantable order and condition.

SECTION 84. *Provided*, That the owner of any salted provisions, as aforesaid, or his agent may employ any person other than the said inspector to do the cooperage necessary to put the same in good merchantable order and condition, as aforesaid, and in such case the said inspector shall not be entitled to any allowance on account of such cooperage.

SECTION 85. The inspectors aforesaid, may demand and receive from the owner, possessor or person selling any salted

LAWS OF PENNSYLVANIA,

provisions as aforesaid, which shall be adjudged to be unmerchantable or not, in the condition required by law for sale or exportation, the same fees as if the same had been adjudged to be merchantable and fit for sale or exportation.

IV. *Butter and Hogs Lard.*

SECTION 86. Butter and hogs lard shall if designed for exportation from any port or place upon the river Delaware, be liable to be inspected by the inspector of butter and hogs lard, appointed for the city and county of Philadelphia or his deputy.

SECTION 87. Butter and hogs lard liable to inspection as aforesaid, shall be sufficiently salted for exportation, and shall be put up in kegs, half kegs or tubs, made of sound and well seasoned white oak staves or timber, or in canisters: *Provided*, That butter and hogs lard from any other State, put up as aforesaid, which shall bear the brand or the name of such State, may be exported from this State with the same name branded thereon, and not as the butter and hogs lard of Pennsylvania, without being liable to inspection as aforesaid.

SECTION 88. Every keg which shall be used for the purpose aforesaid, shall be sixteen inches and a half in length, eleven inches in diameter at the head, and thirteen inches in diameter at the bilge; it shall be tightened with at least ten hoops, and nailed with three nails in each head hoop. Every half keg which shall be used for the purpose aforesaid, shall be eleven inches and a half in length, nine inches in diameter at the head and ten inches in diameter at the bilge, it shall be tightened with at least eight hoops and be nailed with three nails in each head hoop.

SECTION 89. Every keg, half keg and tub, containing butter or lard, liable to inspection as aforesaid, shall be weighed and the tare or weight thereof, shall be marked before inspection on one of the heads with a marking iron in legible characters.

SECTION 90. The instrument which shall be used by the inspector, for the purpose of boring and inspecting packages containing butter or lard, shall in every case be a centre-bit, not exceeding one half of an inch in diameter. And the inspector shall not make therewith a hole which shall exceed five eighths of an inch in diameter. And he shall carefully return the butter or lard drawn out for inspection into the package from which it shall be taken, and then securely plug up the same with sufficient oaken plugs.

SECTION 91. The inspector aforesaid, shall brand distinctly each package with the initial letter of the name of the article inspected, (to wit, with the letter B or L) which letter shall not be less than three-fourths of an inch in length.

SECTION 92. The inspector aforesaid, shall also use the three following marks and numbers in the inspection of butter aforesaid, namely: "No. 1, Extra;" which shall designate butter of the first and best quality; No. 1," which shall designate butter of the second quality; and "No. 2," which shall desig-

nate the third quality of merchantable butter; and no other numbers shall be used by such inspector.

SECTION 93. If the inspector shall find any butter or lard which in his opinion is not merchantable, he shall brand the head of each keg, half keg, tub, containing it, with a distinct mark of a cross, [thus X] and each stroke of the said cross shall be at least two inches long.

SECTION 94. If the butter or lard inspected, be contained in canisters, it shall be sufficient if the inspector examine as aforesaid, one canister in every five, marking the package in the manner aforesaid containing such canisters.

SECTION 95. All butter and hogs lard which shall be laden for exportation as aforesaid, if not contained in kegs, half kegs, tubs or canisters as aforesaid, shall be seized by the said inspector and forfeited to the guardians for the relief and employment of the poor, for the city of Philadelphia, the district of Southwark and the townships of the Northern Liberties and Penn, for the use of the poor in the Alms-house and house of employment; in or near the said city, together with the articles in which the same shall have been packed; and it shall be the duty of the said inspector forthwith after seizure as aforesaid, to cause the same to be delivered accordingly: *Provided*, That the portage and other incidental expenses, shall be paid by the said guardians on the delivery thereof.

SECTION 96. And if any person shall export as aforesaid any butter or hogs lard not contained in kegs, half kegs, tubs or canisters as aforesaid, such person shall forfeit a sum which shall be equal to the value of the butter or lard so exported, and of the article or thing in which the same may be contained, one half for the use of the informer and the other half for the use of the Commonwealth.

SECTION 97. If any person shall export or shall lade or ship for exportation as aforesaid, any butter or hogs lard not inspected as aforesaid, and marked as merchantable, such person shall forfeit and pay for every keg, half keg and tub so laden, two dollars, one half for the use of the informer and the other half for the use of the Commonwealth.

SECTION 98. The inspector of butter and hogs lard may demand and receive for inspecting, examining, branding and plugging each keg, half keg and tub of butter or lard, four cents, and the like sum for every five canisters of butter or lard which he shall inspect.

SECTION 99. The inspector aforesaid may also demand and receive such other and further allowance and compensation as shall be reasonable and customary to allow for the expense and trouble of cooerage, and putting each keg, half keg and tub of butter and lard in good and merchantable order and condition.

SECTION 100. *Provided*, That the owner of such butter or lard, or his agent may employ any person other than the said inspector to perform the cooerage necessary to put the same in good and merchantable order and condition as aforesaid.

SECTION 101. The expense of the inspection of butter or hogs lard shall be paid by the purchaser thereof, and the expense of the cooperage, if any be necessary, shall be paid by the seller.

V. *Pot and Pearl Ashes.*

SECTION 102. Pot and pearl ashes, shall if designed for exportation from the port of Philadelphia, be liable to inspection by the inspector of pot and pearl ashes appointed for the said port.

SECTION 103. *Provided,* That pot or pearl ashes which shall have been imported or brought from any other State or country, and which shall bear the brand of the name of such State or country, may be exported from this State, with such name branded thereon as the product and manufacture of the State from which it shall come, and not as the product or manufacture of Pennsylvania without being liable to inspection as aforesaid.

SECTION 104. Pot and pearl ashes liable to inspection as aforesaid, shall be put up and secured in sound, tight and full bound casks made of white oak staves and heading or of such other sound timber as the inspector shall judge proper; and every cask which shall be used for the purpose aforesaid, shall be twenty-nine inches in length and nineteen inches in diameter at the heads.

SECTION 105. The inspector aforesaid shall for the purpose of inspection, start the ashes submitted to him out of the casks and carefully examine and try the same. He shall assort them into three different sorts or kinds as hereinafter provided, if necessary, and put each sort or kind by itself, in casks made in the manner hereinafter directed.

SECTION 106. The inspector aforesaid shall after starting the ashes for inspection, weigh each cask containing the same; he shall also weigh each cask thereof, after the same shall have been repacked; he shall mark thereon with a marking iron, the gross weight of such cask, and also thereunder the tare.

SECTION 107. The inspector aforesaid shall brand in plain legible letters the head of each cask of ashes inspected and approved by him in the following manner: 1. With the words "Pot ashes" or "Pearl ashes," according to the contents. 2. With the words "First sort," "Second sort" or "Third sort," according to the quality of the ashes aforesaid. 3. With the letters of his name and with the words "Port of Philadelphia," and in figures the year in which the inspection shall be made.

SECTION 108. If the inspector aforesaid shall discover any adulteration of the ashes submitted to his inspection, either by the admixture of stone, lime, or any other improper substance, he shall distinctly brand the cask containing such adulterated ashes with the word "Condemned."

SECTION 109. The inspector aforesaid shall after the inspection and approval of any ashes aforesaid, deliver to the owner or possessor thereof an invoice or weight note under his hand, in which he shall put down the weight of each cask and shall distinguish the contents thereof in the manner herein before directed, and not in any other way or by any other denomination.

SECTION 110. If any cask containing ashes as aforesaid, shall in the judgment of the inspector be insufficient or unfit for exportation, such cooperage shall be done or such new casks shall be made as may in the opinion of the inspector be necessary, at the expense of the seller.

SECTION 111. If any person shall export or lade for exportation from the port of Philadelphia, any pot or pearl ashes liable to inspection as aforesaid, before the same shall have been inspected and approved according to law, such person shall forfeit such pot or pearl ashes and every cask thereof so laden or exported or the value thereof.

SECTION 112. If any person shall sell or offer expose for sale any ashes condemned as aforesaid, for any other than condemned ashes he shall forfeit the sum of twenty-five dollars for every cask thereof so sold or exposed for sale.

SECTION 113. The master or commander of any vessel who shall receive any cask of pot or pearl ashes liable to inspection as aforesaid, and not branded as approved in the manner aforesaid, shall forfeit and pay the sum of twelve dollars and fifty cents for every such cask.

SECTION 114. Every person who shall intermix with any pot or pearl ashes any stone, lime, salt or other improper substance with intent to defraud, shall forfeit and pay the sum of twenty dollars for every cask which shall be found to contain ashes so adulterated.

SECTION 115. The inspector of pot and pearl ashes may demand and receive for starting, trying, assorting, inspecting, re-packing, marking and branding each cask of pot or pearl ashes and for all other the services hereinbefore required of him, at the rate of ten cents for every hundred weight of such ashes, one half of which shall be paid by the seller and the other half by the purchaser thereof.

SECTION 116. If the ashes submitted to inspection as aforesaid shall be condemned, the person owing or submitting the same for inspection shall pay to the inspector the like fees as though such ashes had been merchantable.

VI. Tobacco.

SECTION 117. All tobacco designed for exportation from the port of Philadelphia, shall be liable to be inspected by the inspector of tobacco appointed for the said port.

SECTION 118. *Provided*, That tobacco imported or brought from any other State or country which shall bear the brand or

mark of the name of such State or country upon the cask or package containing the same, may be exported as the product of the State or country from which it came and not as the product of Pennsylvania, without being liable to inspection as aforesaid.

SECTION 119. The inspector of tobacco shall provide and keep sufficient store houses at any place between Prune and Green street conveniently situated for shipping tobacco, and also presses, brands, scratches and all other apparatus necessary for the inspecting of such tobacco as may be liable to inspection as aforesaid.

SECTION 120. It shall be the duty of the inspector aforesaid to strip, sample and press all tobacco submitted to his inspection; he shall make in every hogshead inspected three breaks, and from each break two hands shall be drawn, tied up and sealed, which shall compose the sample of the same; he shall also give a certificate for each and every hogshead, marked and numbered as per sample.

SECTION 121. If any person shall export or lade for exportation from the port aforesaid, any tobacco liable to inspection as aforesaid, before the same shall have been inspected and approved according to law, such person shall forfeit and pay for every hogshead so exported or laden, fifty dollars, one half for the use of the inspector, the other half for the use of the Commonwealth.

SECTION 122. The inspector of tobacco may demand and receive upon each hogshead of tobacco for stripping, sampling, pressing, cooping and branding, one dollar, which fee shall be paid by the planter, merchant or importer, at the time he shall receive the sample. He may demand and receive the further sum of one dollar upon each hogshead which he shall deliver any time within one year, to any person who shall produce to him the certificate given as aforesaid, for the purpose of receiving the same. He may also demand and receive upon each hogshead which shall remain stored for any period greater than a year after the same shall have been inspected by him, at the rate of twenty-five cents for every month he shall have stored the same.

VII. *Domestic Distilled Spirits.*

SECTION 123. Spirituous liquors distilled within this Commonwealth, shall if designed for exportation from the port of Philadelphia, except when shipped coastwise by the distiller or his agent, shall be liable to inspection by an inspector of domestic distilled spirits, appointed for the city and county of Philadelphia. Domestic distilled spirits may also be inspected at each of the following named places, to wit: At the city of Lancaster, by the inspector of domestic distilled spirits appointed for said city; at the borough of Columbia in the county of Lancaster, by the inspector of domestic distilled spirits appointed for the said borough; at the borough of Washington in the county of Lan-

caster, by the inspector of domestic distilled spirits residing in the said borough, and appointed for the said borough and the township of Manor; at the town of Wrightsville in the county of York, by the inspector of domestic distilled spirits appointed for the said town; at the borough of Norristown in the county of Montgomery, by the inspector of domestic distilled spirits appointed for said borough.

SECTION 124. Every inspector of domestic distilled spirits, shall also by virtue of his said office be a gauger, and shall perform the duty of gauging all casks containing such spirits, submitted to his inspection, and shall mark thereon the quantity of spirits therein contained in the manner hereinafter provided.

SECTION 125. Spirituous liquors liable to inspection as aforesaid, shall be put up in barrels, double barrels or hogsheads.

SECTION 126. Every cask which shall be used for the purpose aforesaid, shall be tight and made of sound, well seasoned white oak staves, free of sap; and every barrel so used, shall be secured with twelve good hoops, and every double barrel and every hogshead so used, shall be secured with sixteen good hoops.

SECTION 127. Every inspector of domestic distilled spirits as aforesaid, shall have or procure and keep constantly in good order, a correct set of gauging instruments, made in accordance with the standard measure of the wine gallon of this Commonwealth, namely, a scale, calipers and a rod; he shall also procure and keep as aforesaid, a hydrometer of the kind commonly called "Dicas' Liverpool patent hydrometer."

SECTION 128. The standard of proofs of domestic distilled spirits, shall be as follows, to wit: If the liquor shall be hydrometer proof or one hundred spirits, and one hundred parts water, it shall be marked as liquor of the fourth proof; if the liquor shall be five degrees below hydrometer proof, it shall be marked as liquor of the third proof; if the liquor shall be ten degrees below hydrometer proof, it shall be marked as liquor of the second proof; if the liquor shall be fifteen degrees below hydrometer proof, it shall be marked as liquor of the first proof.

SECTION 129. The inspector or deputy aforesaid, having ascertained the quantity, strength and quality of any spirituous liquors as aforesaid, and also the ullage, shall grave or scrape with a scraping iron on one of the heads of each cask inspected by them containing whiskey, the exact proof and degrees thereof and the quantity of gallons or full contents of such cask, and the deficit or number of gallons out at a time of such inspection, if any; and it shall be the duty of such inspector or deputy, at the request of the person or agent applying to have whiskey inspected, to make out and subscribe a certificate exhibiting in separate columns the number of casks, and the kinds; the number of gallons or full contents, the deficit of gallons or outs, if any, and the proofs and degrees thereof, and deliver the same to the applicant, and the said inspector shall receive for inspecting,

guaging, marking, replacing the bung and such certificate, a fee of ten cents per cask only.

SECTION 130. The owner or seller of the cask made as aforesaid, shall be entitled to demand and receive from the purchaser, one dollar and twenty-five cents for each barrel, and one dollar and seventy-five cents for each double barrel, and two dollars and twenty-five cents for each hogshead.

SECTION 131. If any person shall export or lade for exportation from the port of Philadelphia, any distilled spirituous liquors liable to inspection as aforesaid, before the same shall have been inspected and marked according to law, such person shall forfeit and pay ten dollars for every barrel, and twenty dollars for every double barrel and hogshead, or other cask or vessel containing such liquor so exported or laden, to be recovered by the inspector aforesaid, for the city and county of Philadelphia, for the use of the poor of the said city and county. *Provided*, That it shall and may be lawful for any distiller of whiskey or his agent, intending to ship whiskey, the produce of his own stills, coastwise, to ship the same without inspection, upon, with or at the office of one of the principal inspectors, an invoice or list, exhibiting the number and kinds of casks intended to be shipped, with an affidavit annexed by himself or agent, that such whiskey was made by him, and is intended for a market in one of the sister States, together with a notice of the name of the vessel on which the same is intended to be shipped, and the place where it is intended to be taken on board, at least three hours before it shall be put on board.

SECTION 132. All liquors sold by inspection at the port of Philadelphia, shall be inspected and guaged by the inspector of domestic distilled spirits appointed as aforesaid.

SECTION 133. If upon the subsequent inspection of any liquors which have been inspected and marked as aforesaid, such liquors shall be found to be under the proof originally marked, the holder thereof shall be liable to a penalty to be estimated as follows, to wit: For every gallon two degrees under the proof so marked, two cents; for every gallon three degrees under the proof so marked, six cents, and so on in that ratio.

SECTION 134. It shall be the duty of the inspector of domestic distilled spirits, appointed for the city and county of Philadelphia, upon the request of the seller or buyer of any cider contained in hogsheads or other casks containing more than thirty-two gallons, to guage and mark the contents of such cask thereon, in the manner hereinbefore provided.

SECTION 135. Every inspector who shall guage and mark erroneously any cask of spirits or cider liable to his inspection, as aforesaid, shall forfeit and pay to the person who may be injured thereby twice the value of the excess or deficiency of the quantity marked of the quantity actually contained in such cask.

SECTION 136. If any inspector of domestic distilled spirits shall make use of a false hydrometer or guaging instruments knowing them to be such, or shall in any way misbehave or abuse the powers granted to him, the Governor shall upon receiving information thereof cause the official bond of such inspector to be put in suit.

SECTION 137. The fees of inspection at Philadelphia, aforesaid, shall be paid by the purchaser in case the spirits shall come up to proof, otherwise the same shall be paid by the person offering the same for sale.

SECTION 138. Whenever any cask of any such distilled spirits shall be re-inspected, the seller or person offering to sell the same shall pay the fees of re-inspection, if the proof shall be under the proof marked on such cask, and the buyer shall pay the fees of such re-inspection if the proof shall not be under the proof marked as aforesaid.

SECTION 139. It shall be unlawful for any inspector or deputy, during the continuance of his or their office, to do any private guaging, and every inspector or deputy who shall upon the application of any dealer in spirituous liquors re-gauge any cask containing whiskey or other spirituous liquors and allow or make the said cask to contain more gallons, or a greater quantity than when guaged for the maker or agent for the maker of whiskey, or who shall in any way be found colluding with the dealer to defraud the distiller, or who shall so engage in any private guaging, shall upon conviction of such offence forfeit and pay to the use of the Commonwealth the sum of fifty dollars and be forever disabled to act as an inspector or guager of liquor.

SECTION 140. No inspector or deputy inspector of domestic distilled spirits shall be concerned in purchasing or selling domestic distilled spirits except for his own private use, nor shall any inspector or deputy be in any way concerned in business or trade with any distiller or manufacturer or any other person in the purchase or sale of domestic spirits, under a penalty of five hundred dollars and a forfeiture of their office.

VIII. *Black Oak Bark.*

SECTION 141. Ground black oak bark shall, if designed for exportation from the port of Philadelphia, be liable to be inspected by the inspector of bark appointed for the said port.

SECTION 142. All bark liable to inspection, as aforesaid, shall be shaved clean from the ross or outside bark; it shall be ground sufficiently fine for use and be free from damage by wet mould or otherwise.

SECTION 143. All bark designed for exportation, as aforesaid, shall be well packed in good and sufficient casks having at least twelve hoops thereon, with lining hoops on each end well secured.

SECTION 144. Every manufacturer of bark for exportation, as aforesaid, shall brand upon the head of each cask his name distinctly and at length, under penalty of one dollar for each cask which shall not be so branded.

SECTION 145. Bark liable to inspection, as aforesaid, shall for the purpose of inspection be deposited, at the expense of the owner thereof, at such convenient place within the city or liberties of Philadelphia, and if the quantity to be inspected is less than ten casks, at such place as the inspector aforesaid shall direct.

SECTION 146. It shall be the duty of the inspector aforesaid, to give the person depositing such bark as aforesaid, or to the owner thereof a receipt acknowledging the delivery thereof to him for the purpose of inspection, and he shall not deliver such bark to any person until it shall have been inspected and approved of or condemned.

SECTION 147. Merchantable bark as aforesaid shall be divided into three sorts or qualities according to its value, to be denominated "First quality," "Second quality" or "Third quality," and each quality as aforesaid shall be divided again into two sorts or kinds according to its value, to be denominated "No. 1" or "No. 2:" that is to say, merchantable bark of the best quality and manufactured in the best manner shall be rated or denominated "First quality No. 1," and merchantable bark inferior in quality or manufacture to the first quality No. 1, as aforesaid, shall be rated or denominated "First quality No. 2;" "Second quality No. 1," "Second quality No. 2;" "Third quality No. 1," or "Third quality No. 2," as its quality or manufacture may merit.

SECTION 148. The inspector of bark shall, in performing the duties of his office, start and unpack if necessary bark submitted to him for inspection, and carefully examine the quality and manufacture thereof, and thereupon he shall properly repack the same and brand the casks in the manner hereinafter directed.

SECTION 149. The inspector aforesaid shall brand each cask of bark inspected by him which he shall find to be merchantable, in the manner following: 1. With the words "First quality," "Second quality" or "Third quality," and with "No. 1." or "No. 2," according to its quality as aforesaid. 2. With his own name and also with the word "Philadelphia."

SECTION 150. If the inspector shall find in any cask of bark submitted to his inspection as aforesaid, any mixture of different barks or of tan or other extraneous substances, or if the same shall not be shaved clean from ross, and be free from damage by wet, mould or otherwise as aforesaid, he shall condemn the same and mark distinctly on each head, with a marking iron, the letter C.

SECTION 151. The inspector shall weigh each cask and furnish the owner with an invoice specifying the gross weight and

the tare of each cask, which invoice shall be signed by him, and for every hundred weight gross there shall be an allowance of one pound for draft.

SECTION 152. If any person shall export or lade for exportation from the port of Philadelphia, any ground black oak bark before the same shall have been inspected and approved as merchantable by the officer appointed for that purpose, such person shall forfeit and pay twenty dollars for every cask so exported or laden, one half to the use of the person who shall prosecute therefor, and the other half for the use of the Commonwealth.

SECTION 153. If any person shall return on any cask a lighter tare than its actual weight, such person shall forfeit and pay the sum of twenty dollars for every such cask, one half for the use of the person who shall prosecute therefor, and the other half for the use of the Commonwealth.

SECTION 154. Nothing in this act shall be construed to prevent any person from exporting any oak bark unground, nor from selling bark which may have been condemned for home consumption; nor shall any thing in this act be construed to extend to liquid extracts of bark or to any preparation of bark for which a patent has been obtained, or for which a patent may hereafter be obtained from the United States.

SECTION 155. The inspector of ground black oak bark may demand and receive for inspecting every ton weight of bark, one dollar; one half of which sum shall be paid by the buyer, and the other half by the seller; for the storage of every hogshead of bark, five cents per week, and a proportionate sum for tierces and barrels.

SECTION 156. All boards, plank, timber and shingles shall, if designed for exportation from the port of Philadelphia, be liable to be inspected at the city and county of Philadelphia, by the inspector appointed for that purpose.

SECTION 157. All boards, plank and timber designed for exportation as aforesaid, shall be good, sound, and of such thickness and quality as they are declared to be by the seller, and all such boards and plank shall also be square edged.

SECTION 158. If any person shall ship off from the port aforesaid any boards, plank or timber which have not been inspected, measured, culled or counted by the officer appointed for that purpose, and approved by him as merchantable, such person shall forfeit and pay the sum of one dollar fifty cents for every thousand feet of boards, plank or timber so shipped or exported, and so in proportion for any greater or less quantity.

SECTION 159. The inspector and measurer of lumber may demand and receive for inspecting and examining, boards and plank according to the superficial measure, twenty-five cents for every thousand feet. For inspecting other timber reduced to cubical feet, ten cents for every ton-consisting of forty cubical feet; one half to be paid by the buyer and the other half by the seller.

SECTION 160. It shall be the duty of the board of county commissioners of the counties of Cumberland, Dauphin, Lancaster and York, as soon as may be after the passage of this act, to appoint and commission a sufficient number of competent persons in their counties to be inspectors of lumber at the different landings on the Susquehanna and in the borough of York, who shall continue in office until the month of March, one thousand eight hundred and thirty-six, or until others are appointed, and the respective boards of commissioners of said counties, shall in the month of March in every year appoint and commission a sufficient number of competent lumber inspectors as aforesaid, who shall continue to act for one year or until others are appointed, and the said inspectors shall before they enter upon the duties of their appointment, take and subscribe an oath or affirmation before some judge or justice of the peace of the proper county, faithfully to perform the duties of inspector of lumber according to law and to the best of his knowledge, a certificate of such oath he shall file in the commissioner's office of the proper county; and it shall be the duty of all inspectors so appointed, to inspect, (and if not correctly done measure and mark the quantity of feet,) and count all lumber sold at the respective places or elsewhere, that they shall be required to by the buyer and seller: *Provided*, That no person who shall have been appointed an inspector of lumber, shall directly or indirectly be engaged in buying or selling of lumber, under the penalty of twenty dollars, to be recovered as debts of like amount are recoverable, for the use of the directors of the poor of the proper county.

SECTION 161. All boards and planks shall be reduced to and counted as inch measure, of which there shall be but three qualities, viz: Panel, common and cullings, that is to say, all boards and plank that shall not have more than three small sound knots not more than half an inch in diameter, without sap or shake or any other defect, or being free from knots, and not having on an average more run of sap than half the thickness of the board or plank, shall be deemed and counted as panel; and all boards and plank that shall not contain more than three sound knots, nor more than one inch in diameter, and not more run of sap than half the thickness of the board or plank, shall be deemed and counted as common; a split in the end of a board or plank nearly straight, and not over two feet in length, shall not condemn it to an inferior quality; the split shall not vary more than half an inch to a foot from a straight line: *Provided*, It has no other defect; that all boards or planks that are rotten, worm-eaten, wind-shaken or otherwise defective, may be docked according to what the inspector upon his oath, shall deem them injured for the mechanics use. All grub, plank and binders, shall be counted at half the quantity actually contained therein. All joist, rafters and scantling, shall be inspected as aforesaid, of which there shall be but two qualities, viz: Common and cullings: *Provided*, That such lumber, boards or plank as are in part

rotten, damaged or broken, may be condemned as refuse cullings; that each inspector shall be entitled to twelve and a half cents for inspecting, counting and marking each thousand feet of lumber, and in the same proportion for any less quantity, one half to be paid by the vendor, the other by the vendee. And it shall further be the duty of the inspector, to furnish a correct list or bill of lumber, with the qualities and quantity by him inspected, to either or both parties, which certificate shall be furnished without charge. All lumber required to be inspected by either the seller or purchaser, shall be inspected by one of the regular commissioned inspectors: *Provided further*, That the inspectors of lumber, within the counties of Cumberland, Dauphin, Lancaster and York, shall not be required to give bond and surety, or make return to the Auditor General, as is required by the general provisions of this act, nor shall they appoint deputies.

X. *Flaxseed.*

SECTION 162. All flaxseed designed for exportation from the port of Philadelphia, shall be well cleansed and prepared and put up in casks made of sound oak staves.

SECTION 163. Every cask which shall be used for the purpose aforesaid, shall be made as nearly straight as possible; it shall be tightened and secured by at least twelve good and substantial hoops, besides a lining hoop on the outside around each chine; and each chine hoop, and each of the quarter hoops shall be fastened with at least three iron nails.

SECTION 164. The casks aforesaid; may be made of two sizes, to wit: Casks of the larger size shall be two feet nine inches in length, and twenty-four inches in diameter at the head, and in every such cask shall be packed seven bushels of flaxseed; the smaller casks shall be made of such size, that they may contain three bushels and a half of flaxseed.

SECTION 165. Every cask containing flaxseed, and designed for exportation as aforesaid, shall be branded with the initial letter of the christian name, and with the surname at full length of the person who cleansed and prepared the flaxseed therein contained.

SECTION 166. Every person who shall export or shall lade with intent to export, any cask containing flaxseed, which shall not be made of the materials and in the form and of the dimensions hereinbefore required; or which shall not contain the quantity and quality of flaxseed hereinbefore directed, shall forfeit and pay two dollars and sixty seven cents for every cask so exported or laden; one half for the use of the informer, and the other half for the use of the Commonwealth.

SECTION 167. Every person who shall lade for exportation as aforesaid, any cask containing flaxseed, which shall not have been first duly branded as aforesaid; shall forfeit and pay the further sum of sixty-seven cents for every such cask; one half

for the use of the informer, and the other half for the use of the Commonwealth.

XI. *General Provisions.*

SECTION 168. The several inspectors hereinbefore mentioned, shall be appointed by the Governor, from time to time as occasion may require, except the inspectors of lumber in the counties of Cumberland, Dauphin, Lancaster and York; and every inspector so appointed, shall reside at the place at which he shall be required to exercise the duties of his office.

SECTION 169. *Provided*, That the Governor shall appoint two persons to be inspectors of domestic distilled spirits for the city and county of Philadelphia, who shall severally have all and singular the powers and authorities and be subject to all and singular the duties and liabilities of such office.

SECTION 170. The several inspectors hereinbefore mentioned, are empowered, and if necessary to the convenient despatch of their respective duties, are hereby required to appoint a sufficient number of deputies, for whom they shall respectively be accountable, which deputies are hereby empowered to perform the duties of inspection, as fully as their respective principals might or could do, and they are hereby made liable to the like penalties.

SECTION 171. *Provided*, That the inspectors of domestic distilled spirits for the city and county of Philadelphia, shall jointly and not severally, appoint one or more deputies as aforesaid. And the principal inspector of flour for the city and county of Philadelphia, shall on or before the first day of March next, appoint three persons for his deputies, who are judges of wheat and rye flour, corn meal and bread stuffs, and who shall be removable at his pleasure, whose duty it shall be, with the said inspector, to inspect all the flour, corn meal and bread stuffs in said city and county, under the regulations mentioned in this act. And the city and county of Philadelphia, is hereby divided into three inspection districts, as follows: First district south of High street and east of Thirteenth street, in said city; second, north of High street and east of Thirteenth street; third, west of Thirteenth street, including the Schuylkill front, from South street to the north side of Vine street and the rail-road, from South street to Callowhill street and High street, from the Delaware Eighth street, to Schuylkill river in said city and county; and the principal inspector in person and his deputies, shall inspect all the flour in said districts daily, and alternately in each district, at warehouses and stores in said three districts. And the said principal inspector and his three deputies shall every three months appoint three viewers, viz: One miller and baker and one merchant; and said viewers shall with said inspector and his three deputies regulate the standard of flour in said city and county, by samples of flour chosen by them; and said samples shall be preserved, in order to decide disputes in case any per-

son may conceive himself aggrieved by said inspector or his deputies.

SECTION 172. Every person appointed as aforesaid, to the office of inspector, and also every deputy of such person, shall before he enter upon the duties of his office, take and subscribe an oath or affirmation before some person having authority to administer oaths, to support the constitution of the United States and the constitution of this Commonwealth, and to perform the duties of his said office with fidelity, which oath or affirmation he shall cause to be filed among the records of the court of Quarter Sessions in the respective county.

SECTION 173. Every person who shall be appointed to the office of inspector or deputy, as aforesaid, shall also before entering on the duties of his office, execute bond to the Commonwealth in such sum and with such surety as shall be approved by the court of Quarter Sessions of the respective county or by two of the judges thereof, with condition for the faithful performance of the duties imposed on him by law, which bond shall be for the use of all persons who may be aggrieved by the acts or neglect of such inspector.

SECTION 174. Every person appointed an inspector, as aforesaid, shall cause the bond hereinbefore prescribed, being duly acknowledged by him and his sureties, to be recorded by the recorder of deeds of the respective county, and as soon afterwards as convenient, to be transmitted to the Secretary of the Commonwealth.

SECTION 175. Copies of the record of the official bond of any inspector, acknowledged and recorded, as aforesaid, and duly certified by the recorder of deeds for the time being, shall be good evidence in any action brought against such inspector or his sureties on such bond according to its form and effect, in the same manner as the original would be if produced and offered in evidence.

SECTION 176. Every inspector shall at his own costs and charges procure such brands, instruments and apparatus, as may be necessary or may be by law required for the due execution of the duties of his office.

SECTION 177. Every inspector and every deputy inspector shall upon the requisition of the owner or possessor of any article liable by law to his inspection, proceed, unless actually employed at the time of such requisition in performing other duties of his office, and without any unnecessary delay, to the inspection thereof, under penalty of two dollars and fifty cents for every three hours delay without sufficient excuse, for the use of the party aggrieved, in addition to the damages which such owner or possessor may actually sustain by such delay.

SECTION 178. If the owner or possessor of any article liable to inspection, as aforesaid, shall be dissatisfied with the judgment of the inspector concerning the quality, quantity or package of such article, or in any other respect, he may have

such judgment reviewed by triers, to be appointed in the following manner :

SECTION 179. On the application of such owner or possessor to any justice of the peace or alderman of the city or county where such inspection may have been had, such magistrate shall issue a warrant to three judicious disinterested persons of integrity, well skilled in the various qualities of the kind of article inspected, and in the manner of preparing, packing or putting up the same for sale or exportation, directing them to review and examine the said article, and forthwith to make report to him of the quality, quantity, package or condition of the article in other respects as the case may require.

SECTION 180. The triers aforesaid shall be appointed by such magistrate as follows, to wit : One of them on nomination of such owner or possessor if he shall see fit to nominate, one other of them on the nomination of the inspector, if he shall see fit to nominate, and the third shall be appointed by such magistrate on his own suggestion. The triers appointed as aforesaid shall be severally sworn or affirmed carefully to examine and inspect the article or thing in question, and make a true report thereof according to the best of their judgment.

SECTION 181. If the inspector shall neglect or refuse to nominate a trier as aforesaid, the magistrate shall appoint two of such triers. If the owner or possessor aforesaid shall neglect or refuse to nominate a trier as aforesaid, the magistrate shall dismiss the complaint, and adjudge the owner or possessor aforesaid to pay the said inspector his reasonable costs and charges for his trouble, and enforce the payment of the same by execution as in the case of the recovery of debts.

SECTION 182. If the triers aforesaid or any two of them shall find and adjudge such article not to be merchantable, or not to be in the condition required by law for sale or exportation, as the case may be, they shall certify to the said magistrate in what respect it is deficient, and the cause thereof as nearly as may be known; and thereupon the said magistrate shall adjudge such owner or possessor to pay the said inspector his reasonable costs and charges for his trouble, and enforce the payment of the same by execution as in the case of the recovery of debts.

SECTION 183. If the triers aforesaid, or any two of them shall find and adjudge such article to be merchantable and in the condition required by law for sale or exportation, as the case may be, the costs and charges of the review had as heretofore, a penalty not exceeding twenty dollars, to be assessed by such triers, shall be paid by such inspector, and payment thereof shall be enforced in the manner aforesaid.

SECTION 184. The finding of the triers appointed as aforesaid, or of any two of them, shall be final and conclusive, and the magistrate shall thereupon direct the article or thing inspected to be marked as the case may require.

SECTION 185. But no appeal from the judgment of any such inspector shall be allowed, unless the same be prosecuted within twenty days after the judgment of the inspector as aforesaid.

SECTION 186. Every inspector, as aforesaid, shall keep true accounts in a book or books in a plain intelligible manner, and at large, of the manufactures, productions and merchandise by him or by his deputies inspected, and of the quantity and qualities thereof, and such accounts shall be opened at all reasonable hours for examination, if required by any person interested.

SECTION 187. If any inspector as aforesaid shall refuse or neglect to record his proceedings as aforesaid, or shall refuse or neglect to give a certified extract of such part thereof as any person having an interest therein shall require, such person having paid or tendered to him his fee, provided for the same by this act, or at the rate of ten cents for every hundred words that may be contained in such certificate, he shall for every such neglect or refusal, forfeit and pay to the party aggrieved a sum not exceeding twenty dollars.

SECTION 188. If any such inspector shall be convicted of making a fraudulent entry in his books aforesaid, he shall forfeit twenty dollars for every such offence.

SECTION 189. Every deputy inspector shall, within twenty-four hours after the inspection of any article as aforesaid, return a true and exact account thereof to his principal, if resident within the same county, under penalty of twenty-five cents for every additional hour he shall neglect or refuse so to do.

SECTION 190. Every inspector shall annually in the month of January, report to the Auditor General under oath or affirmation, the quantity, quality and value of the articles inspected by him and his deputies, during the year immediately preceding the first day of the said month, as nearly as he can ascertain the same, distinguishing such as may have been approved from such as may have been condemned, together with the amount of their expenditures; and also of all fees which shall have been received by him, or by any person under him for official acts and services performed in his office, during the same period; he shall also communicate in such report, such other information relative to the articles inspected by him, as may in his judgment be useful for the improvement of such articles in quality or in the manner of preparing or putting up the same.

SECTION 191. No inspector or deputy inspector shall while in office, buy, sell, barter or otherwise trade directly or indirectly in any article or articles which he or they may have been appointed to inspect, and if any inspector shall violate this provision, the Governor shall, upon satisfactory proof thereof, remove him from office, and moreover, such inspector and such deputy inspector shall be liable to a penalty not exceeding one hundred and fifty dollars for every such offence, and be disabled thereafter from acting in their respective office.

LAWS OF PENNSYLVANIA,

SECTION 192. *Provided,* That nothing in the preceding section contained, shall extend to the inspector of flour in the boroughs of York, in the county of York, and of flour in the borough of Pottsville; nor shall it debar any tradesman or mechanic from purchasing a sufficient quantity of materials in the way of his business, to be made up, or manufactured or used by him, or any person from purchasing any article for the use of his family, so always that he shall not buy any which he hath before adjudged to be unmerchantable.

SECTION 193. Any person who shall act as inspector or as a deputy inspector aforesaid, not being legally authorized for the purpose, shall for every such offence, forfeit a sum not exceeding twenty dollars.

SECTION 194. Every inspector and every deputy inspector shall have full power and authority by virtue of this act, without any other or further warrant, to enter on board of any ship or other vessel, and any boat, ark, raft or other water craft, lying or being in any port or place of export of this Commonwealth; and into any mill, granary, yard or place where any of the articles aforesaid, liable to his inspection have been usually stored or deposited, to search for and make discovery of any such articles with respect to which he may have reasonable ground to believe that a forfeiture or any penalty or fine may have been incurred under the provisions of this act.

SECTION 195. It shall be the duty of such inspector, and of his deputy, to take into his possession all articles so discovered, which may by law be forfeited.

SECTION 196. It shall be the duty of every inspector, after seizure of any article which may have been forfeited, to sell the same at public auction, unless it be otherwise especially provided, giving at least five days notice of such seizure, and of the time of sale in one or more newspapers published in or near the place of seizure as aforesaid, and thereupon he shall, unless otherwise especially provided, pay the proceeds, deducting all just expenses of sale, and five per cent. upon the balance for his trouble, to the treasurer of the respective county, for the use of the Commonwealth.

SECTION 197. Every person who shall obstruct or hinder any inspector in making search for any articles liable to his inspection, or shall otherwise oppose or molest him in the due and lawful exercise of his powers or execution of his duties, shall be punishable as for a misdemeanor, by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both, at the discretion of the court having jurisdiction of the offence.

SECTION 198. Every person who shall counterfeit, forge or fraudulently impress, or make the brand mark or any number or other mark of any such inspector, or a mark or number in imitation thereof upon any article subject to inspection or upon any cask or other vessel containing such article, or shall coun-

terfeit the stamp of any inspector upon any plug, or shall fraudulently put any stamped plug into any cask, or shall fraudulently alter, deface, conceal or erase any inspection mark duly made, shall for every such offence be deemed guilty of a misdemeanor, and be punishable by a fine not exceeding three hundred dollars, or by imprisonment not exceeding six months, at the discretion of the court having jurisdiction of the offence.

SECTION 199. If any person shall put into any cask or vessel after the same has been inspected and marked by the inspector or his deputy, any article of the same, or of a different kind, and liable to inspection, without obliterating the brand or other marks thereon, with intent to defraud; or if any person shall unpack any article liable to inspection, which has been inspected and condemned, and repack or put up the same in any other form, without submitting it to the inspector according to law, such person shall forfeit and pay for every such offence, a sum not exceeding one hundred and twenty-five dollars, and the article so put up in such cask or vessel, or so unpacked, shall be forfeited.

SECTION 200. Every person who shall counterfeit, forge or fraudulently impress upon any article liable to inspection, or upon any cask or vessel containing such article, the brand mark or other mark of any miller, manufacturer, packer or other person, or shall fraudulently alter, deface or erase any such mark, or shall fraudulently impress the brand mark, or other mark of any person upon any such article or vessel, shall be deemed guilty of a misdemeanor; and shall be punishable by a fine not exceeding three hundred dollars.

SECTION 201. If any person whose fees are fixed by this act, shall take by color of his office or occupation, by custom, or under any other pretence whatsoever, any other or greater fees for services performed in pursuance of this act, than are hereby allowed, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine of fifty dollars, one half for the use of the Commonwealth, and the other half for the use of the person injured.

SECTION 202. All fines and pecuniary penalties which may be incurred under any of the provisions of this act, shall, unless it be otherwise especially provided, be recoverable in the name of the Commonwealth, at the instance of any person who shall sue therefor in the same manner as debts of like amount are recoverable, with costs of suit, and one moiety thereof shall be paid to the person suing for and recovering the same, and the residue shall be paid into the treasury of the county for the use of the Commonwealth.

SECTION 203. The town councils of the boroughs of Allegheny, and the Northern Liberties of Pittsburg, in the county of Allegheny are hereby authorized at the time appointed for the annual election of the treasurer and other officers of said borough; to elect for each of said boroughs an inspector of salt,

whose duty it shall be to inspect and examine all salt in barrels, landed within the respective limits of the said borough, and mark the quality thereof, by a brand to be provided by each of said boroughs, and that the compensation to each of said inspectors be paid by the owners of said salt according to the ordinances of said boroughs respectively, to be passed for that purpose.

SECTION 204. Each of said boroughs be respectively authorized to require said inspectors to give bond and security for the faithful performance of their official duties in such forms as they may provide; and to compel said inspectors to make annual reports of their several inspections, and to impose a penalty on all persons who shall neglect or evade the inspection of salt as provided for by their ordinance or ordinances, and the salt so inspected and branded, may be exposed for sale, in any county, city or place within this Commonwealth, without being subject to any second or future inspection.

JAMES THOMPSON,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini, eighteen hundred and thirty-five.

GEO: WOLF.

No. 185.

An Act

To amend an act entitled An act to incorporate the Pennsylvania and Ohio Canal company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the full and entire assent of this Commonwealth be and the same is hereby given to all and each of the provisions mentioned and contained in an act of the Legislature of the State of Ohio, passed on the twenty-first day of February, one thousand eight hundred and thirty-five, being an act to amend an act to incorporate the Pennsylvania and Ohio canal company, and the said amendatory act is hereby adopted, ratified and confirmed, and enacted into a law of this Commonwealth, and all and each of the provisions, conditions and restrictions thereof, as fully and effectually as if the same were enacted paragraph by

Assent of this
Commonwth
given to the
provisions of
an act of the
State of Ohio,
passed Feb.
21st, 1835.